

### **REMARKS/ARGUMENTS**

The office action of June 10, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 16-36 remain in this application. No claims have been amended and no new matter has been added.

#### **Rejections under 35 U.S.C. § 103**

*Claims 16, 17, 19-30, 32, 33 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 7,260,823 to Schlack et al. ("Schlack") in view of U.S. publication no. 2003/0037333A1 to Ghashghai et al. ("Ghashghai"). Applicants respectfully traverse this rejection.*

Regarding independent claims 16 and 33, the Office Action fails to establish a *prima facie* case of obviousness, because Schlack and Ghashghai, alone or in combination, do not teach or suggest all the claim elements. In particular, Schlack and Ghashghai, alone or in combination, do not teach or suggest at least "parsing ... a stream of command signals to determine which command signals are associated with a user activated control unit and which command signals are associated with a personal video recorder operation."

Examiner has acknowledged that Schlack fails to disclose "to determine which command signals are associated with a user activated control unit and which control signals are associated with a personal video recorder operation," as recited in claims 16 and 33. (*See* Office Action, p. 3; *see also* Office Action dated 10/28/2008, p. 4). Nevertheless, the Examiner relies on newly-cited Ghashghai to supply this feature. However, Ghashghai also fails to teach the aforementioned feature. The cited portion of Ghashghai teaches "operations status indicators" of the "Viewer actions" type, "Automatic actions" type, "Software installation actions" type, and "Hardware exceptions" type. (*See* Office Action, p. 3; *see* Ghashghai, paras. 199-200, fig. 17). These "operation status objects ... are collected by the central site whenever communication with the central site is established." (*See* Ghashghai, para. 197). The objects are merely recorded with a timestamp so that it is possible to later reconstruct the client system behavior

using a linear time-based ordering. (*See* Ghashghai, para. 203). This is not “parsing ... a stream of command signals to determine [whether it’s associated with a user activated control unit or a personal video recorder operation]”, as recited in claims 16 and 33. Rather, Ghashghai teaches merely collecting all of the transmitted objects and storing them together, without parsing, in a linear time-based order to reconstruct the client system behavior. In contrast, the invention recited in claims 16 and 33 parses the stream of command signals to determine which command signals are associated with a user activated control unit and which are associated with a personal video recorder operation, and uses command signals associated with a user activated control unit to generate information. This is in stark contrast to the cited teachings of Ghashghai. Applicants respectfully request the withdrawal of the rejection and notification of allowance of claims 16 and 33.

Moreover, claims 17, 19-30, 32, and 36 depend from independent claims 16 or 33 and are allowable for at least the same reasons as those claims from which they depend. In addition, claims 17, 19-30, 32, and 36 are allowable for the unique combination of elements they recite. Applicants respectfully request the withdrawal of the rejection and notification of allowance of claims 17, 19-30, 32, and 36.

*Claims 18 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack in view of Ghashghai and further in view of U.S. publication no. 2003/0208767A1 to Williamson et al. (“Williamson”). Applicants respectfully traverse this rejection.*

Claims 18 and 34 depend from independent claims 16 or 33 and are allowable for at least the same reasons as those claims from which they depend. The 35 U.S.C. §103(a) rejection based on Schlack in view of Ghashghai has been overcome, as described hereinabove, and there is no arguments put forth in the Office Action that the additional reference supplies that which is missing from Schlack in view of Ghashghai to render the independent claims obvious. Moreover, claims 18 and 34 are allowable for the unique combination of elements they recite. Applicants respectfully request the withdrawal of the rejection and notification of allowance of claims 18 and 34.

*Claims 31 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlack in view of Ghashghai and further in view of U.S. patent no. 6,507,306 to Griesau et al. ("Griesau"). Applicants respectfully traverse this rejection.*

Claims 31 and 35 depend from independent claims 16 or 33 and are allowable for at least the same reasons as those claims from which they depend. Claims 31 and 35 are also allowable for the unique combination of elements they recite. In addition, the Office Action cites to paragraph 0131 of Ghashghai as teaching the features of claims 31 and 35. The Office Action's interpretation of that teaching of Ghashghai is inaccurate. Paragraph 0131 of Ghashghai discusses electronic program guides, and the viewer's ability to browse through them and indicate programs for recording. It does not teach "in the event that a user executes two television commands... and after the second channel change the user encounters a video content that the user chooses to record, then that third command would be deemed to be associated with a recorder," as alleged in the Office Action. (See Office Action, p. 13.)

Moreover, the 35 U.S.C. §103(a) rejection given Schlack in view of Ghashghai has been overcome, as described hereinabove, and there is no arguments put forth in the Office Action that the additional references supply that which is missing from Schlack in view of Ghashghai to render the independent claim obvious, these grounds of rejection cannot be maintained. Applicants respectfully request the withdrawal of the rejection and notification of allowance of claims 31 and 35.

**CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
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